(8)

No.....
Filed today.....
by Shri.....

For Registrar,
M. P. State Adm. Tribunal,
RAIPUR.

IN THE M.P.STATE ADMINISTRATIVE TRIBUNAL,
BENCH AT - RAIPUR WP/SD 3177/05

B E T W E E N

APPLICANTS : 1. SADA RAM BANJARE,
AGE - 37 YEARS
SON OF SHRI BHUWAN LAL
R/O VILLAGE - NAKTA,
P.O. & P.S. -MANDIR HASOUDA
TAHSIL & DIST. - RAIPUR.

2. GAIND RAM BAGHEL,
AGE - 39 YEARS
SON OF SHRI FIRANTA RAM,
R/O W.R.S.COLONY,RAIPUR
TAH. & DIST. - RAIPUR

3. RAMU LAL DHRUWA,
AGE - 37 YEARS
SON OF SHRI RAMADHAR
R/O VILL.- BHATGOAN,
P.O. - KHORPA (ABHANPUR)
TAH. & DIST. - RAIPUR.

4. SHYAM LAL CHHURA,
AGE - 36 YEARS
SON OF SHRI KURSO RAM
R/O NEAR RAM MANDIR,
SHANTI NAGAR, RAIPUR (M.P.)

5. HRIDAY LAL TANDON,
AGE - 28 YEARS,
SON OF SHRI SARJU RAM
R/O VILL. - SANKRA(BHOTHALI)
P.S. - ARJUNI,
TAH. & DIST. - DHAMTARI.

6. JIWARAKHAN DHRUWA,
AGE - 32 YEARS,
SON OF SHRI KHEDU RAM
R/O -VILL. - JAROUD(REWA)
P.S. - MANDIR HASOUD
TAH. & DIST. - RAIPUR M.P.

7. LOBHA RAM BHOI,
AGE - 32 YEARS,
SON OF SHRI SHATRUHAN BHOI,
R/O VILL. - BHANWARPUR,
P.S. & TAH. - BASNA,
DISTRICT - MAHASAMUND, M.P

...2...

RESPONDENTS : 1. STATE OF MADHYA PRADESH
THROUGH - THE SECRETARY
MINISTRY OF REVENUVE DEPT.
VALLABH BHAWAN, BHOPAL.

2. THE COMMISSIONER,
LAND RECORD & SETTLEMENT
GWALIOR, M.P.
DISTRICT - GWALIOR.

3. THE COLLECTOR,
LAND RECORD,
DISTRICT - RAIPUR M.P.

DETAILS OF APPLICATION

1. PARTICULARS OF THE APPLICANTS : As above in cause title.
2. PARTICULARS OF THE RESPONDENTS: As above in cause title.
3. PARTICULARS OF THE ORDER AGAINST WHICH APPLICATION IS BEING MADE :

(32)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. (S) No. 3177 of 2005

Petitioners : Sada Ram Banjare and others

Versus

Respondent : State of Madhya Pradesh (now Chhattisgarh) and others

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Shri R. K. Kesherwani, Advocate for the petitioners.

Shri Ajay Dwivedi, Panel lawyer for the respondents.

ORDER

(28th August, 2006)

1. The petitioners were appointed on the post of Chainman as contingency paid employees vide orders dated 9.6.1993, 30.6.1993 and 31.12.1993 (Annexure A/1, A/2 and A/3). It is pointed out by learned counsel for the petitioners that the State Government by circular dated 27.7.1996 (Annexure A/4) observed that it had come to the notice of the State Government that some of the candidates, including the petitioners were appointed on daily wages basis, not against regular vacancies, when there were clear regular vacancies available. It is further submitted by learned counsel for the petitioners that vide circular dated 21.1.1999 it was directed to scrutinize the cases of the petitioners for appointment against regular available vacancies.

2. The petitioners have filed this petition praying that the respondents be directed to appoint the petitioners on regular cadre with consequential benefits of arrears of wages.

3. Be that as it may, no right has accrued in favour of the petitioners as their appointments were not in accordance with the law and as per the constitutional scheme.

4. The Supreme Court in the case of **Secretary, State of Karnataka & others Vs. Umadevi (3) and others**[1], in para 53 has held as under:-

> *"53. ..... The question of regularization of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases above referred to and in the light of this judgment. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularize as a one-time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularization, if any already made, but not sub judice, need not be reopened based on this judgment, but there should be no further bypassing of the constitutional requirement and regularsing or making permanent, those not duly appointed as per the constitutional scheme.*

5. The Supreme Court in the case of **Mineral Exploration Corporation Employees' Union v. Mineral Exploration Corporation Limited & Anr.**, in para 17 has held as under:-

> *"17. It is seen from the above paragraph that this Court directed the Union of India, the State Governments and their instrumentalities to regularize as a one-time measure, the services of such irregularly appointed workmen, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the courts or of tribunals and should further ensure that regular recruitments are undertaking to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed."*

6. In view of the dicta laid down by the Supreme Court in the above judgments and orders, the petition is disposed of finally, granting liberty to the petitioners to make representation to the concerned authority, if any, for considering their cases in accordance with the decisions of the Supreme Court, stated above and the respondents are directed to consider the cases of the petitioners as per direction of the Supreme Court, as stated above, as one time measure, in accordance with law. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur

{(2006) 4 SCC 1}[1] {JT 2006 (7) SC 151}[2]